

## **Minutes of the Kansas Sentencing Commission Meeting November 22, 2004**

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on November 22, 2004, at 1:40 p.m. The meeting was held in the Senate Room of the Jayhawk Tower Building, Topeka, Kansas.

### **Attendance**

Members: Honorable Ernest L. Johnson, Chairman; Paul Morrison, District Attorney, Vice Chairman; Honorable Christel Marquardt; Honorable Eric Rosen; Senator Greta Goodwin; Representative Janice Pauls; Representative Jeff Goering; Annie Grevas, Director of Community Corrections, 28<sup>th</sup> Judicial District; Chris Mechler, Office of Judicial Administration; Rick Kittel, Board of Indigents' Defense Services; Kevin Graham, designee, Office of Attorney General; Marilyn Scafe, Kansas Parole Board; Dr. Donald Jackson, Public Member; Jaime Richardson, Public Member; Kathleen Lynch, Private Defense Attorney. Staff: Patricia Biggs, Executive Director; Julia Butler, Staff Attorney; Fengfang Lu, Research Analyst; Lora Moison, Research Analyst; Brenda Harmon, Administrative Assistant; Janice Brasher, Grant Administrator; Marty Schmiedeler, Accountant. Guest: Don Stemen, VERA Institute.

### **Approval of the Minutes**

The Chairman referred to the minutes of the September 30, 2004, Kansas Sentencing Commission meeting. A motion was made by Kathleen Lynch, and seconded by Chris Mechler, to approve the minutes of the September 30, 2004, Kansas Sentencing Commission meeting. The motion carried.

### **Proportionality Study: VERA Institute of Justice**

Mr. Don Stemen, Senior Program Analyst with the VERA Institute of Justice, gave a PowerPoint Presentation of "The Kansas Sentencing Guidelines - An Evaluation of the Proportionality of Sentences" recently completed for the Kansas Sentencing Commission. Commission members received a copy of this report.

Ms. Patricia Biggs asked Commission members for input on how the cover of this report should read. A motion was made by the Honorable Christel Marquardt and seconded by Kevin Graham to have the cover show this a VERA report as requested by the Kansas Sentencing Commission. The motion carried.

A motion was made by Representative Jeff Goering and seconded by Senator Greta Goodwin to make this study available to the 3-R Committee; and also to publish it as being adopted by the Kansas Sentencing Commission. The motion carried. Mr. Stemen will be making this presentation to the 3-R Committee on December 8<sup>th</sup>.

### **Prison Population Subcommittee Report**

Mr. Paul Morrison gave an overview of the recent Prison Population Subcommittee meetings. Handouts were provided to Commission members showing what the impact would be on prison admissions and offender population levels if the proposed concepts were adopted. They have not looked at the drug grid yet, due to waiting for results of the Proportionality Study. A report will be ready for the next Commission meeting with drug grid ideas.

### **Senate Bill 123 Subcommittee**

No report was presented at this time.

### **Executive Session**

A motion was made by Mr. Kevin Graham and seconded by Ms. Marilyn Scafe to move into Executive Session to discuss a personnel matter. The motion carried. The Commission went into Executive Session at 3:45 p.m. The Executive Session adjourned at 4 p.m.

### **Senate Bill 123 Community Corrections Subcommittee Recommendations**

Ms. Patricia Biggs announced Reports have been received from the three Community Corrections Subcommittees with their recommendations. Handouts of each Report were provided to Commission members. Ms. Biggs will condense the three reports into one and present it for action on the recommendations at the next Commission meeting.

### **Senate Bill 45 3-R Committee update**

Mr. Kevin Graham discussed recent meetings held by the Senate Bill 45 Kansas Criminal Recodification, Rehabilitation and Restoration Project Committee, of which he is the vice chair. They are working on hiring an Executive Director for this Committee. They plan to have a Report to the Legislature in February, 2005 and another in February, 2006.

### **Senate Bill 123 Administrative**

Ms. Biggs announced the Implementation Group has been reconvened. The primary focus is to make sure all treatment providers, Community Corrections agencies, DOC staff and Sentencing Commission staff understand procedures and have input into the resolution of issues and/or challenges that arise. The current challenges being worked on are conceptually and operationally, what does integration of cognitive behavioral skills mean? What does it look like? Are caps that were included in the Implementation Manual “averages” or “caps” and did they take into account the Cognitive Behavioral Skills training?

Recruitment is under way for a temporary staff person to start doing some data entry on the SB 123 Assessments and the Initial and Follow-up ASI's.

There are some administrative costs associated with doing the payments on SB 123 that had not been taken into account when that functionality was moved to the Sentencing Commission. They include charges to DISC (the Information Technology staff) for helping with the data base so payments can be tracked; and the check fees and postage for each check written. For the first four months of this fiscal year this has amounted to about \$6,600 in expenses. Including the additional Implementation Manuals needed in February, 2005, this would amount to about \$25,000 annually to administer the program. This is above and beyond the money that has been provided for personnel, and beyond the money available through the SAC Grant, which is how the temporary staff person will be funded.

### **Report to the Legislature: content consideration**

Ms. Biggs discussed the upcoming Report to the Legislature, and asked for Commission members input on its contents. She has been talking with Marilyn Scafe and her staff regarding the Pilot Project in Johnson County so information from that project can be used. The Proportionality Study, and the Adult and Juvenile Projections will also be available for use in the Report. The Juvenile Projections will be clarified as a contract function. Status on Senate Bill 123 will also be available. A Mission Statement being included was also discussed. Ms. Biggs will have a skeleton outline available for review at the next Commission meeting.

### **Next Meeting**

The next Kansas Sentencing Commission meeting was scheduled for Friday, December 17th, 2004, at 1:30 p.m.

A motion was made to adjourn the meeting by Senator Greta Goodwin, and seconded by Chris Mechler. The motion carried, and the Chairman adjourned the meeting.